

Newstead Town Board Meeting - July 22, 2002

A Public Hearing was called to order by the Newstead Town Board on Monday, July 22, 2002 at the Newstead Town Hall at 7:30 PM.

Present: Gerald F. Summe - Supervisor
David Cummings - Councilman
Joan M. Glor - Councilwoman
Harold L. Finger - Councilman
Jim Ebersole - Highway Superintendent
Donnal Folger - Code Enforcement Officer
Fred Pask - Assessor
Nathan Neill - Town Attorney
Dan Seider - Wendel
Dawn D. Izydorczak - Town Clerk
Kathleen McLeod Lang - Deputy Clerk

Roll Call was taken with all board members present, except Councilman George who is on work assignment out of town.

Supervisor Summe called the public hearing for the special use permit request for a canine kennel to order.

The Town Clerk read the proof of publication for the Public Hearing.

The following spoke:

Don Shonn, 13 Bloomingdale Ave. reviewed resolution and feels section 2C and 2D should be amended. It calls for 100 feet of fence on south line from front of porch. He feels it should run south then east 16ft-24 ft from corner of garage in an L shape to allow for more coverage of site line. Suggested possibly a natural hedge-row should be installed instead of fencing for noise barrier. After discussion amongst Mrs. Liddick, the Board, the Code Enforcement Officer, the Town Engineer, the Town Attorney and Mr. Shonn, they agreed to amend and specifically list heights, lengths and plantings with 24 ft off back garage. Hours of operations will be 7AM- 8:30 PM.

Thomas Haberneck, 5371 Barnum Rd. voiced his approval of this project.

A motion from Councilwoman Glor, seconded by Councilman Cummings to close Public Hearing. Motion carried and meeting was adjourned at 7:45 PM.

A Regular Meeting was called to order by the Newstead Town Board on Monday, July 22, 2002 at the Newstead Town Hall at 8:10 PM with the same Board members present as above.

Ed Ingalsbe former Town Board member led the pledge to the flag.

Minutes from the previous regular board meeting held on July 8, 2002 were presented for approval. A motion was made by Councilman Cummings, seconded by Councilman Finger to approve as presented.

Carried Unanimously

Communications - Clerk presented the following:

A Monthly Activity Report from the Erie County Sheriffs Office reporting the calls for June 2002 for Akron Village - 97 and Newstead - 105.

A Notice of Complete Application & Acceptance of Draft Environmental Impact Statement was received from the NYS DEC for County Line Stone Co., Inc. Copies of the statement can be reviewed at the Newstead Town Hall, Newstead Library, the NYS DEC office at 270 Michigan Avenue, Buffalo, NY 14203 and at the Alleghany sub-office located at 182 East Union Street, Alleghany, NY 14706. Copies can also be inspected at County Line Stone by appointment only. Comments on the project must be submitted in writing no later than August 12, 2002.

An announcement from Erie County Dept. of Environment & Planning regarding Household Hazardous Waste Drop-off Day on July 20, 2002 at Praxair in Tonawanda, NY between the hours of 9:00am – 2:00pm. For more information, interested residents can call 858-6800.

A letter and flyers from Verizon regarding the new 585 area code. The new regions and numbers become permanent on August 17, 2002.

A letter from the Erie County Legislature regarding a resolution that outlines the use of Agricultural Assessments for agricultural lands inside an Agricultural District and outside an Agricultural District.

A letter from Leisurewood Campgrounds requesting that the Town adopt a resolution that would allow the town to regulate traffic within mobile home and manufactured home parks under Chapter 200 of the Laws of New York, adopted in 2000.

A letter from Governor George E. Pataki notifying the Town Board that he has received their resolution regarding the NYS Williamsville toll barrier and thanking them for their continued concerns about this issue.

A letter from Justice Dennis Freeman requesting authorization to attend the Office of Court Administration's Advanced Continuing Education classes at Potsdam University and the NYS Magistrates annual meeting and election in Alexandria Bay this fall.

A letter from the First United Methodist Church to the Supervisor regarding the upcoming renovations at the church and a request to use an area of the Town Halls rear lot for a staging area during construction.

A copy of a letter from the New York Army National Guard Facility Commander to the Christian Airmen Inc. regarding concerns with noise abatement. The Army National Guard will continue to use the airport for training exercises, but will comply with the airports published traffic pattern altitude of 1000 feet AGL. They will also fly traffic patterns to the south of the airfield to avoid the village and attempt to avoid any late night operations.

A copy of a letter from John Burke of Crittenden Road to Michael J. McMurray of the NYS DEC requesting an extension of the comment period for the County Line Stone Co. Inc. Environmental Impact Statement from August 12, 2002 to either September or October 12, 2002.

A letter from Modern Disposal Services, Inc. requesting that the Town review its option to re-bid its refuse contract once it expires on December 31, 2002 and expressing interest in providing this service to the Town.

A letter from Wendel Duchscherer regarding their site plan review for the 11372 Main Street Auto Resale Facility.

A letter from Wendel Duchscherer regarding their site plan review for the Liddick Canine Kennel Facility.

A copy of a letter from the NYS DEC to Bruce Buyers of County Line Stone Co., Inc. regarding the typographical error in the Legal Notice that appeared in the Akron Bugle listing the comment period closing date as September 12, 2002 instead of August 12 2002. The NYS DEC has agreed to accept comments through the September 12, 2002 date upon agreement of County Lines Consultants.

A copy of a Certificate of Completion of the course Utility Mass Appraisal by Assessor Fred Pask at the NYS Assessor's Association classes in Ithaca, NY.

A motion was made by Councilman Finger, seconded by Councilwoman Glor to receive and file correspondence as presented.

Carried Unanimously

Work Session: Supervisor Summe reported that a work session was held on July 15, 2002 and the following were discussed: the Henley water, sewer, and rezone on Bloomingdale Avenue, Water District #5-Phase II and other water issues were discussed, the Radio Tower, the Comprehensive Master Plan, the Facilities Study, Refuse Issues, Sewer issues, Planning Board issues including junk cars and animals, Park Rules, retirement incentives, and other issues.

Privilege of the Floor – Gerald Szmania, 13356 Stage Rd., stated he had spoke with Mike Murray of the DEC regarding the possible closing of Schurr Rd due to the County Line Stone expansion and wondered what will stop the closing of this road. He feels the Board should not close a town road. He asked Mr. Murray who has the final say on the closing with the response being the Town of Newstead has the final decision. Mr. Szmania questioned why there has been no discussion from the board since this issue began 13 months ago. The Supervisor responded that this issue has been in the hands of the DEC since then and the town has just received the plans last week. At the Work Session on August 5th the Board will discuss this matter at length, as well as at each subsequent work session until the September 12th comment period expires.

Councilwoman Glor motioned for approval of a Budget Transfer, seconded by Councilman Cummings for \$7,200.00 from Contingency to Supervisor- Contractual- Grant to start a new account group.

Carried Unanimously

Approval of Bills – Councilwoman Glor reported that she had reviewed Abstract Batch 14 & 24 from 7/8/02 meeting and found everything to be in order with the previously un-audited vouchers. She presented Abstract Batch 30. Vouchers on Abstract Batch 30 numbered 657& 658,661-679 totaling \$45,806.85 and were presented for payment approval by Councilwoman Glor, seconded by Councilman Finger to approve payment.

Abstract Batch 30:

General Fund “A” – \$10,393.25, Fund “B” \$433.74, Highway “DA” - \$0.00, Highway Outside Village (DB) \$2,872.71, Capital Projects-WD#5 (HC) \$0.00, Capital Projects-WD#7A (HD) \$0.00, Library Project (HE) \$1,642.85, Fire Protection (SF) \$0.00, Refuse (SR) \$19,816.19, Sewer Fund (SS) \$1,290.00, and Water Districts (SW1) \$3,518.43, (SW2) \$0.00, (SW3) \$5,839.68, (SW4) \$0.00, (SW5) \$0.00, (SW6) \$0.00, (SW7) \$0.00, (SW7A) \$0.00, (SW8) \$0.00, (SW9) \$0.00, Trust & Agency (TA) \$0.00, totaling \$45,806.58

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – Finished preparing Skyline Drive for paving and are mowing field ditches. Superintendent Ebersole has some issues with driveway pipe permits and feels this needs to be addressed. This could be discussed in the next work session.

Assessor – He received a petition served on behalf of Strippit which he would like work session time to discuss with the board. An Agricultural Assessments Resolution for Special Districts has been received and the Town was requested to adopt it. His recommendation is to keep on assessing for fire districts, continue as we have been handling special districts, and not to adopt this resolution. The school he attended at Ithaca was very beneficial and he learned valuable information on utilities.

Code Enforcement Officer - The following building permits were presented for the record:

Franklin Powell	13100 Stage Rd	Shelter
Stephen Holovics	5317 Crittenden	Garage entryway
Margaret Cowan	11715 Clarence Ctr	Shed
Robert George	12056 Buckwheat	Enclosed lean-to addition
Thomas Baker	12547 Rapids	Pool Deck
Robert Simon	6337 Dye Rd	Porch
Wesley Ribbeck	13974 Bloomingdale	Detached Garage
John Culbertson	4930 Schutt Rd	One Family Home

Michael Conover	11622 Howe Rd	Addition
Richard Rebmann	5974 Cummings Rd	Storage Garage
Summit Auto	11672 Main	Garage Addition
Dwayne Adamczak	13310 Stage Rd	Front Porch
Mark Krzykowski	12236 Lesswing Rd	Fill Permit

A motion was made by Councilman Cummings, seconded by Councilwoman Glor to approve as presented.

Carried Unanimously

Don had no other reports

Town Clerk – Dawn thanked all her co-workers and friends for their cards and flowers following her surgery and especially thanked her deputy Kathy Lang for all her hard work while she was out.

Attorney for the Town- Nothing at this time

COUNCILPERSONS

George – not present

Cummings –Nothing at this time

Glor –Nothing at this time

Finger-Nothing at this time

SUPERVISOR – The May Supervisor’s Report is prepared and on file with Town Clerk, he attended the Consortium Meeting where he was elected to sighting committee. He also attended N.E.S.T. meeting.

UNFINISHED BUSINESS

Water District #5 - Dan reported construction has moved to Dye Rd. just north of McNeeley. They may be starting a second crew. Not currently testing the water lines because of the drought but once we get some rainfall they will begin testing.

Library Project – No report from Councilman George but Supervisor reports winding down and a meeting is scheduled with Library Board. A check from the Library Board for \$300,000.00 was received. The pricing for shrubs for Village Hall and embankment is being reviewed.

Comprehensive Master Plan Update – Received final Plan and will be discussing on August 5th work session.

Christian Airmen Re-Zoning - They are set to start with consultant.

Facility Study - Received final copies and will review and discuss next work session.

Radio Tower - All equipment has been ordered. The electrician and cable company are on line and coordinated with the school aware of status. Superintendent Jim Ebersole will be taking over final coordination and scheduling.

Refuse Issues - Approved extension and working out contract terms. Supervisor will be sending out a letter to Modern Disposal thanking them for their interest. The town attorney reminded the Board they may want to look at Modern for disposal instead of American Refuel once that contract runs out.

Other - Nothing

NEW BUSINESS

Special Use Permit Canine Kennel:

A motion was made by Councilman Cummings, seconded by Councilwoman Glor approving a resolution issuing a Special Use Permit - Type II Action under SEQRA, approving the operation of a Canine Boarding Kennel at 5475 Barnum Road subject to the conditions set forth and reserving the right to impose additional conditions upon renewal of the permit, if problems are identified with the operation.

(Resolution Attached) Ayes-4 Nay-0 Carried Unanimously

A motion was made by Councilman Finger, seconded by Councilwoman Glor to approve the request for use of the Town Hall rear lot by the First United Methodist Church as a construction staging area.

Carried Unanimously

NYS DEC Flood Control Projects Resolution:

A motion was made by Councilwoman Glor, seconded by Councilman Cummings authorizing the Supervisor of the Town of Newstead to file an application for funds from the NYS DEC for Flood Control Projects, requesting \$10,244 under Title 3 of the Clean Water/Clean Air Bond Act and to execute a project agreement with the State for such financial assistance.

(Resolution Attached) Ayes-4 Nay-0 Carried Unanimously

Main Street New York Downtown Development Initiative:

A motion was made by Councilman Finger, seconded by Councilwoman Glor to authorize the Supervisor of the Town of Newstead to apply to the Empire State Development Corporation for up to \$25,000 in funds for the construction of roadways, sidewalks and parking areas under the Main Street New York Downtown Development Initiative.

(Resolution Attached) Ayes-4 Nay-0 Carried Unanimously

A motion was made by Supervisor Summe, seconded by Councilman Finger authorizing Justice Dennis Freeman to attend magistrate classes at Potsdam University and the magistrates annual meeting in Alexandria Bay this fall.

Carried Unanimously

Water District 5 - Increase & Improve Facilities:

A motion was made by Councilman Cummings, seconded by Councilwoman Glor to approve a resolution calling for a Public Hearing for the proposed increase and improvement of the Water District 5 facilities. The hearing is to be set for August 12, 2002 at 7:40pm at the Newstead Town Hall. The Town Clerk is authorized to publish a Public Hearing Notice in the official paper, the Akron Bugle.

(Resolution Attached) Ayes- 4 Nay-0 Carried Unanimously

Water District 5 - Extension No. 1 of District:

A motion was made by Councilwoman Glor, seconded by Councilman Finger to approve a resolution calling for a Public Hearing for the proposed Extension No. 1 of Water District 5. The hearing is to be set for August 12, 2002 at 7:50pm at the Newstead Town Hall. The Town Clerk is authorized to publish a Public Hearing Notice in the official paper, the Akron Bugle.

(Resolution Attached) Ayes- 4 Nay-0 Carried Unanimously

Henley Re-zoning Bloomingdale Road:

A motion was made by Councilman Finger, seconded by Councilwoman Glor to approve a resolution for a Type 1 Action under SEQRA for a proposed re-zoning of land on Bloomingdale Road. The Town of Newstead has declared itself lead agency for the project and directs the Code Enforcement Officer, with the assistance of the Town Engineers, to notify all appropriate agencies of the proposed action and the determination by the Town of Newstead to act as lead agency.

(Resolution Attached) Ayes- 4 Nay-0 Carried Unanimously

Other: Nothing at this time

Question Period – No one spoke.

The Supervisor questioned the traffic sign requests from manufactured home parks and Leisurewood. The Town Attorney explained we need to agree to do this first and it is not mandatory. Then each park needs to be looked at and diagrams from each of the parks will be needed. The law must be reviewed especially with the Town of Newstead having no police department to patrol and regulate.

There being no further business to come before the board a motion was made by Councilwoman Glor seconded by Councilman Finger to adjourn at 9:16 PM.

Work session will continue after the meeting.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak
Town Clerk